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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,618	05/13/2008	Walter Fursich	2003P05657W0US	2044
22116 7590 01/22/2009 SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830				
EXAMINER THOMAS, BRADLEY H				
ART UNIT 2835		PAPER NUMBER		
MAIL DATE 01/22/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/567,618

**Applicant(s)**

FURSICH ET AL.

**Examiner**

BRADLEY H. THOMAS

**Art Unit**

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-29 is/are pending in the application.  
4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 13-29 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 08 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date 2/8/06, 5/2/08  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: element 34 in Fig. 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 13, 15-18, 23-25 and 29 are objected to because of the following informalities:

Regarding Claim 13, line 8, "a" should be "an".

Regarding Claims 15 and 16, line 4 in each claim, "support edge" should be changed to "the support edge". Also in Claims 15 and 16, the "base part" should be changed to the "base housing part" for consistency purposes.

Regarding claims 17-18, the "plug-in device" should be differentiated from the "plug-in device" in claim 13 (e.g. "a second plug-in device").

Regarding Claims 23-25, "the second hood" lacks antecedent basis since the second hood was first claimed in claimed 14.

Lastly, Claim 29 seems to be worded awkwardly and should be reviewed for proper wording.

Appropriate correction is required.

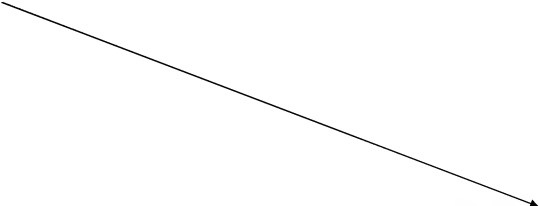
***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

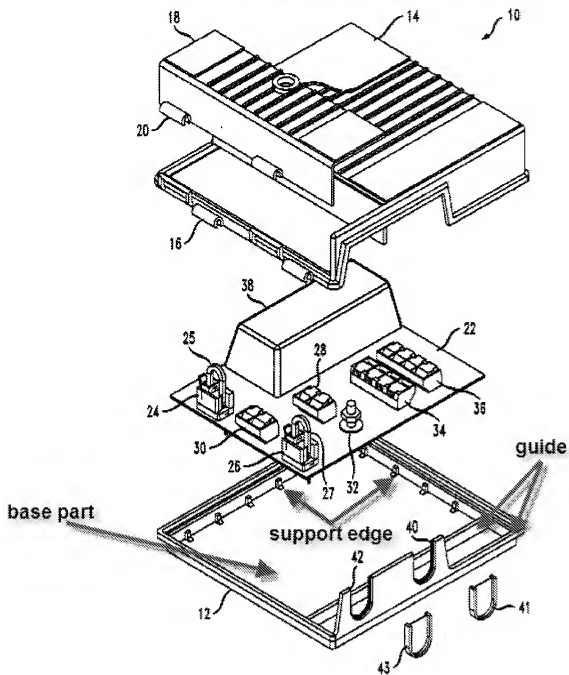
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13-20, 26-27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Arnett et al. (US 6,078,661).



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**FIG. 2** Arnett et al. (US 6,078,661)



Regarding independent Claim 13, Arnett et al. teaches a housing for receiving a printed circuit board for use in a communication system, comprising:

- a connection area (under 18, see Figs. 2-3) that is accessible from outside of the housing (10);
- a housing cover (comprising 12 and 14) including a first hood (12) and a cover part (14), the first hood (12) having push through openings (40, 42) towards the connection area (see Fig. 3);
- a base housing part (inside surface elements of 12, see Fig. 2 above); and
- a main printed circuit board (22) arranged between the base part (see Fig. 2 above) and the cover part (14), the main board (22) having an extension area (near character 22 in Fig. 2), wherein the extension area (Fig. 2) includes a plug in device (e.g. 34, 36) for a first extension printed circuit board (not shown, e.g. PCB in remote unit, see col. 5, lines 41-52), and wherein when in an assembled state, the first hood (12) is adapted to be latched onto the cover part (14) via a lock connection and the lock connection is only releasable via a tool (not shown, see col. 6, lines 7-12).

Regarding Claim 14, Arnett et al. teaches:

- a second hood (18) adapted to connected with the cover part (14) via a releasable connection (e.g. 20), wherein the second hood (18) covers the connection area (under 18).

Regarding Claims 15 and 16, Arnett et al. teaches:

- the base part (inside surface elements of 12, see Fig. 2 above) includes a guide (see Fig. 2 above) and a support edge (formed by the "L" shaped members, see Fig. 2 above), wherein the guide (see Fig. 2 above) guides the main board (22) and the cover part (14) during assembly, and wherein the main board (22) is arranged between support edge (see Fig. 2 above) and the cover part (14).

Regarding Claims 17 and 18, Arnett et al. teaches:

- the main board (22) includes a plug-in device (e.g. 24-26, 30) that establishes an electrical connection with a second extension printed circuit board (not shown, e.g. in remote unit, see col. 5, lines 40-52).

Regarding Claim 19, Arnett et al. teaches:

- the push-through openings (40, 42) are arranged facing the connection area (under 18, see Fig. 3).

Regarding Claim 20, Arnett et al. teaches:

- the push-through openings (40, 42) are (partial) rectangular break outs having a starting bevel (see Fig. 2).

Regarding Claim 26, Arnett et al. teaches:

- the first hood (12) and the second hood (18) adjoin side wall sections (see Fig. 2) of the cover part (14) in the assembled state (see Figs. 1 and 3).

Regarding Claim 27, Arnett et al. teaches:

- the first hood (12), the second hood (18) and the side wall sections (of 14) form a continuous surface (when fully assembled and closed, see Fig. 1).

Regarding Claim 29, as best understood, teaches:

- on the cover part (14) in side restrictions (see Fig. 3) of the connection area (under 18) a runner-shaped starting services (via 24/25/26/30) are embodied.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnett et al. (US 6,078,661) as applied to claims 13, 14 and 16-17 above, and further in view of Krispin et al. (US 2002/0050771).



Regarding Claims 21-23, Arnett et al. discloses the claimed invention except for explicitly teaching:

- a part selected from the group consisting of the cover part, the first hood, and the second hood is manufactured by injection molding;
- wherein a part selected from the group consisting of the cover part, the first hood, and the second hood is manufactured from a polymer plastic

However, Krispin et al. teaches at [0004] that injection molding is a known method to form plastic covers of telecommunications systems. It would have been obvious to one having ordinary skill in the housing art to use injection molding to form plastic covers as taught by Krispin et al. in the device of Arnett et al., since such a modification would have allowed for improved manufacturing of the device, while also allowing for the desired plastic material (e.g. customized for indoor/outdoor use of the telecommunication housing). Injection molding would have allowed for efficient, assembly type production of the various elements of the housing structure, thereby improving overall manufacturing and production time and reducing costs (see [0011] of Krispin). Furthermore, it has been held to be within the general skill of a worker in the art to select a known material (plastic) on the basis of its suitability (hardness, weather resistance, etc.) for the intended use (as a housing) as a matter of obvious design choice. See *In re Leshin*, 125 USPQ 416.

Regarding Claims 24 and 25, Arnett et al. teaches:

- the first hood and the second hood are curved in a convex shape in a central area running concentrically to the center longitudinal axis.

However, Krispin et al. teaches that it is known to form telecommunications housing in a convex shape (see Fig. 1-4). It would have been obvious to one having ordinary skill in the art to have use a convex shape for a telecommunications housing, since such a modification would have allowed for precipitation such as rain and snow to roll down the housing (during outside use of the housing). The convex shape would have naturally guided precipitation off of the surface of the housing, thereby preventing said precipitation from significantly entering the housing (i.e. avoid and pooling of water, etc.). In regards to the convex shape of the housing, the selection of a particular shape is an obvious design choice. See *In re Dailey*, 357 F.2d669, 149 USPQ 47 (CCPA 1966). AS mentioned above, one having ordinary skill in the art would have been aware of the benefits of a convex shape (either for benefits as described above in regards to resisting penetration) or for improved manufacturing (see [0011] of Krispin et al.).

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnett et al. (US 6,078,661).

Regarding Claim 28, Arnett et al. discloses the claimed invention except for explicitly teaching:

- the base part includes a keyhole-shaped cutouts for wall mounting.

However, Arnett et al. does teach that the device can be wall mounted (see col. 4, lines 36-38 and the holes Fig. 8). It would have been obvious to one having ordinary skill in the art to have included cutouts for wall mounting, since Arnett et al. teaches that wall mounting is a known method for mounting the device. Cutouts would have allowed for fasteners (such as screws) to be used in conjunction with the cutouts to mount the device. In regards to the keyhole shape of the cutouts, the selection of a particular shape is an obvious design choice. See *In re Dailey*, 357 F.2d669, 149 USPQ 47 (CCPA 1966). In this case, keyhole type cutouts are well known in the industry for providing secure mounting, since the keyhole shape allows for the head of a fastener to pass through the larger hole of the keyhole shape, and then slide down into the narrow hole of the keyhole shape so that the shaft of the fastener is secured in the narrow portion of the keyhole cutout.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references teach communication housings: Spaulding (US 4,303,296), Duthie et al. (US 4,821,150), Straate et al. (US 5,130,893), Schneider et al. (US 5,528,684), Verding et al. (US 5,568,355), Giannatto et al. (US 5,982,619), Staber et al. (US 6,026,160), Tsai (US 6,159,022), Tsai (US 6,219,252), Laity (US 6,488,542) and Sumer et al. (US 2003/0073338).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY H. THOMAS whose telephone number is (571)272-9089. The examiner can normally be reached on 7:00am - 3:30pm (Eastern).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BHT

/Jayprakash N Gandhi/  
Supervisory Patent Examiner, Art Unit 2835